

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Robert Lynn Big Leggins,

Defendant.

CR-06-127-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 8, 2015. (Doc. 46.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on September 3, 2015. (Doc. 41.) Big Leggins admitted that he violated conditions of his supervised release. The violations are serious and warrant revocation of Big Leggins's supervised release.

Judge Johnston recommends that this Court revoke Big Leggin's supervised release and that the Court sentence Big Leggins to eight (8) months imprisonment followed by twelve (12) months of supervised release. (Doc. 46 at 6.)

Big Leggins's criminal history category is IV, the current offense is a Grade C violation, and the underlying offense is a Class C felony. The statutory range is a maximum of 24 months. The applicable guideline imprisonment range is 6 (six) to twelve (12) months. The statutory and guideline term of supervised release is 31 months, less any custody imposed.

This Court finds no clear error in Judge Johnston's Findings and Recommendations. Big Leggins's violations of his conditions are a serious breach of the Court's trust. A sentence of eight (8) months imprisonment with a term of twelve (12) months of supervised release to follow is sufficient, but not greater than necessary.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 46) is ADOPTED IN FULL. **IT IS FURTHER ORDERED** that Defendant Robert Lynn Big Leggins shall be sentenced to **eight (8) months imprisonment** followed by **(12) twelve months of supervised release**.

DATED this 23rd day of September, 2015.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. It is positioned above a horizontal line.

Brian Morris
United States District Court Judge